

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Dennis A. Cornell, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Jill Rivera, Assistant Deputy Clerk.

F043976 People v. Adams

Cause called and argued by Betsy S. Kimball, Esq., counsel for appellant and by Wanda Hill Rouzan, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, December 13, 2004 at 1:45 P.M.

The court reconvened in its courtroom at 1:45 P.M. Present: Honorable Dennis A. Cornell, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Betty L. Dawson, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Jill Rivera, Assistant Deputy Clerk.

F044664 People v. Colby

Cause called and argued by Peggy A. Headley, Esq., counsel for appellant. Brian Alvarez, Esq., Deputy Attorney General, counsel for respondent waived oral argument.

Cause ordered submitted.

Court recessed until Wednesday, December 15, 2004 at 10:00 A.M.

IN THE
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F045342 In re T.V., a Minor

The \$20 security fee imposed pursuant to Penal Code section 1465.8 is stricken. In all other respects the judgment (the jurisdictional and dispositional findings and orders) is affirmed. The juvenile court is directed to prepare an amended dispositional order and transmit copies thereof to all appropriate parties and entities.
Harris, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044625 In re Luis R.,

The judgment is affirmed. Ardaiz, P.J.

We concur: Vartabedian, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044943 Bakersfield Citizens For Local Control v. City of Bakersfield et al.
F045035 Bakersfield Citizens For Local Control v. City of Bakersfield et al.

The judgments are reversed and the actions are remanded to the Superior Court of Kern County. BCLC is awarded its statutory costs in both actions. C & C is to pay the entirety of the cost award in the Gosford action; P99 is to pay the entirety of the cost award in the Panama action. (Cal. Rules of Court, rule 27(a)(4).) BCLC's request for judicial notice is granted etc. Buckley, Acting P.J.

We concur: Wiseman, J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

F043826 People v. Navarro

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[CERTIFIED FOR PARTIAL PUBLICATION]

**F044611 San Joaquin Raptor/Wildlife Rescue Center et al. v. Regents of the
University of California; Virginia Smith Trust et al.**

IN THE

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The order awarding costs to the Regents is reversed only to the extent that the order included \$9,910.56 for copying and binding costs. The matter is remanded to the superior court to modify its order awarding costs to reflect an appropriate amount of costs for copying and binding in accordance with the views expressed in this opinion. Each party shall bear its own costs on appeal. Ardaiz, P.J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044717 People v. Drennan

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044257 People v. Quiroz

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044490 People v. Johnson

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F044490 People v. Johnson

The judgment is reversed and remanded without prejudice to Johnson's pursuit of a *Marsden* motion. The court shall appoint independent conflict counsel, other than Attorneys Williams or Hamilton, to represent Johnson on his motion to withdraw his plea. Conflict counsel shall conduct a thorough investigation into Johnson's competency. If there is substantial evidence showing Johnson to be incompetent, conflict counsel shall raise the issue in a motion for new trial. If the trial court determines there is substantial evidence of Johnson's incompetency, it shall grant Johnson's motion to withdraw his plea and follow the procedures mandated by Penal Code section 1368. [Citation] Should the trial court have occasion to sentence Johnson on the prior prison term enhancement, it shall follow the procedure outlined in footnote one of this opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046522 Association for Sensible and Informed Planning v. City of Clovis by and Through the City Council; Paynter Realty and Investments, Inc.

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.